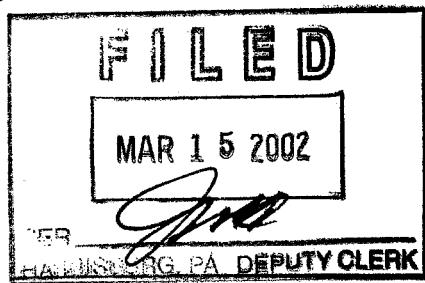


2 TO CT - N/propo.



ORIGINAL

(12)  
3-18-  
SC

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Nancy Hall, individually and as the Representative and Administratrix of the Estate of Tommy Hall, deceased, her husband, Plaintiff

CIVIL ACTION - LAW

v. 1:01-CV-1265

Cuna Mutual Group, Cuna Mutual Insurance Society,

Defendants Judge Sylvia H. Rambo✓

**DEFENDANT CUNA MUTUAL INSURANCE SOCIETY'S  
MOTION TO AMEND CAPTION OF THE CASE**

Defendant, CUNA Mutual Insurance Society, by and through its attorneys, McNees Wallace & Nurick LLC, hereby files this Motion to Amend the Caption of the Case. In support of its Motion, CUNA Mutual Insurance Society avers as follows:

1. Plaintiff initiated this action against Defendants, CUNA Mutual Insurance Society and "CUNA Mutual Group."
2. The term "CUNA Mutual Group" is a trademark, which is used in connection with CUNA Mutual Insurance Society and its subsidiaries. (See Appendix, at Exhibit "A," Declaration of Richard A. Fischer).

3. "CUNA Mutual Group" is not a corporation, and it is not a recognized legal entity of any sort or variety.

4. The Certificate of Insurance issued to Tommy B. Hall specifically defined the insurer as CUNA Mutual Insurance Society. The Certificate stated that, "**WE, US, OUR** or **THE SOCIETY** means the CUNA Mutual Insurance Society of Madison, Wisconsin." (See Appendix, at Exhibit "B," relevant page of Certificate of Insurance).

5. Because the term "CUNA Mutual Group," is not a legal entity, and the insurance policy in question was issued by Defendant CUNA Mutual Insurance Society, the caption of the action should be amended, the term "CUNA Mutual Group" should be removed, and "CUNA Mutual Group" should cease to be a Defendant in this action.

WHEREFORE, Defendant CUNA Mutual Insurance Society respectfully requests that the caption of the Complaint be amended, that the term CUNA Mutual Group be removed from the caption, and that CUNA Mutual Group cease to be a Defendant in this action.

McNees Wallace & Nurick LLC

By

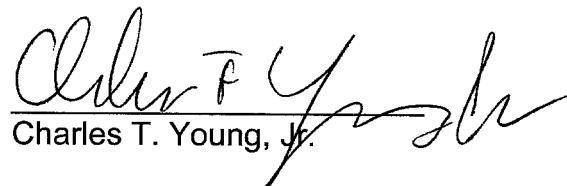


Michael R. Kelley  
Charles T. Young, Jr.  
P.O. Box 1166  
100 Pine Street  
Harrisburg, PA 17108-1166  
Phone: (717) 237-5322  
Fax: (717) 237-5300

Dated: March 15, 2002

**CERTIFICATE OF NON-CONCURRENCE**

I, Charles T. Young, Jr., hereby certify that on this 14<sup>th</sup> day of March, 2002, I have contacted the office of Plaintiff's counsel, Stephen R. Pedersen, and he does NOT concur in this Motion to Amend the Caption of the Case.

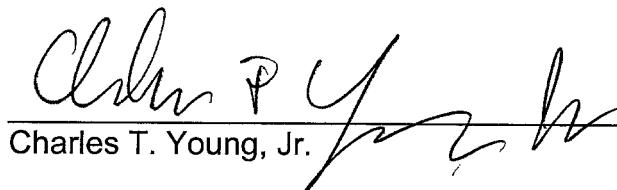
  
Charles T. Young, Jr.

**CERTIFICATE OF SERVICE**

I, Charles T. Young, Jr., hereby certify that on this 15<sup>th</sup> day of March, 2002, a true and correct copy of the foregoing Motion to Amend the Caption of the Case was served by U.S. First-Class mail, postage prepaid, upon the following:

Stephen R. Pedersen, Esquire  
214 Senate Avenue, Suite 602  
Camp Hill, PA 17011

Catherine Mahady-Smith, Esquire  
3115-A N. Front Street  
Harrisburg, PA 17110

  
Charles T. Young, Jr.

Counsel for Defendants